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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,721	11/06/2000	Shigeto Kobayashi	Q61482	7810

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Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,721

Applicant(s)

KOBAYASHI ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/7/04 have been fully considered but they are not persuasive in regard to claims 1, 4 and 5. Applicant's arguments, see pages 10-12, filed on 7/7/04, with respect to claims 2 and 3 have been fully considered and are persuasive. The U.S.C. 102(e) rejections of claims 2 and 3 have been withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gowda et al., US 6,628,333.**

In regard to claim 1, Gowda et al., US 6,628,333, discloses a printer-incorporated electronic still camera (see figure 1) comprising an imaging device (see figure 1, element 110), a memory (see figure 1, element 112), a printing device (see figure 1, element 114), a display device (see figure 1, element 116), and a mode selection device (see figure 1, element 200) for switching over the still camera between a photography mode for converting optical images into electronic image signals through the imaging device and storing the image signals in the memory (see column 2, lines 30-33), a reproduction mode for displaying still images on the display device based on the image signals read out from

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the memory (see column 2, lines 36-37), a print mode for printing the displayed still image on a recording medium (see column 2, lines 33-35), and a setup mode for setting up many kinds of setup items of the still camera (see column 5, line 55 to column 6, line 5 and column 6, lines 26-31), wherein the setup items are sorted into a plurality of groups, and the display device displays the setup items of one group at a time in the setup mode (see column 6, lines 13-25).

When the camera provides for menu driven selection, the camera would provide at least two menu groups. The first group is a menu of camera functions (R, A, E, P, and #) that are buttons in the other embodiments are displayed on the display screen. The second group is a menu of image processing functions that would be required to select the functions which may include adjustment of hue, brightness, contrast, and red-eye removal. Since there are two display screens, two sets of display menu groups are provided.

In regard to claim 4, Gowda et al., US 6,628,333, discloses a printer-incorporated electronic still camera as claimed in claim 1, further comprises a detection device (electrical connection for power source 138) for detecting whether or not the recording medium is loaded in the still camera (see column 6, lines 51-54), and a control device (see figure 1, element 118) for controlling the display device to display a group of setup items that relate to the photography mode initially if the still camera is not loaded with the recording medium when the setup mode is selected, or a group of setup items that relate to the print mode initially if the still camera is loaded with the recording medium when the setup mode is selected.

The electrical connection between the power source integrated in the film cartridge and the camera provides a detection signal to the camera to determine whether or not the recording medium is loaded. It is inherent that the camera will remain in photography mode and not allow the user to print if there is no film cartridge and when there is a cartridge, the camera will switch to print mode when it is selected.

In regard to claim 5, Gowda et al., US 6,628,333, discloses a printer-incorporated electronic still camera as claimed in claim 4, wherein the recording medium is a self-development type photo film sheet (see figure 5B), and the still camera is provided with a pack loading chamber for loading a film pack that contains a plurality of said photo film sheets therein (see figure 4C, printer slot), wherein the detection device (electrical connection for power source 138) is located in the pack loading chamber to detect whether the film pack is loaded or not (see column 6, lines 51-54).

3. Claims 1, 8, 9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohmori, US 5,790,193.

In regard to claim 1, Ohmori, US 5,790,193, discloses a printer-incorporated electronic still camera (see figure 9) and the method for using the camera comprising an imaging device (see figure 9, element 12), a memory (see figure 9, element 84), a printing device (see figure 9, element 108 and column 6, lines 9-13), a display device (see figure 9, element 28), and a mode selection device (see figure 10 A and B, element 36) for switching over the still camera between a photography mode for converting optical images into electronic image signals through the imaging device and storing the image signals in the memory (see column 4, lines 1-14), a reproduction mode for displaying still

images on the display device based on the image signals read out from the memory (see column 5, lines 63-65), a print mode for printing the displayed still image on a recording medium (see column 6, lines 9-13), and a setup mode for setting up many kinds of setup items of the still camera (see column 6, lines 5-6), wherein the setup items are sorted into a plurality of groups, and the display device displays the setup items of one group at a time in the setup mode (see figure 10 A and B and column 5, lines 55-60).

In regard to claims 8 and 14, Ohmori, US 5,790,193, discloses a printer-incorporated electronic still camera and method for using the camera as claimed in claim 1 and 9, respectively, further comprising a detection device (see figure 9, element 58) for detecting whether or not the recording medium is loaded in the still camera (column 4, lines 35-40 and 54-65), and a control device for controlling the display device to display one group of setup items of a plurality of groups (see column 5, line 60 to column 6, line 9), depending on whether the still camera is loaded with the recording medium when the setup mode is selected (The display displays a group of setup items for the selection buttons when connected to the memory card interface (58) and different groups of setup items are displayed when different modes are used).

In regard to claim 15, Ohmori, US 5,790,193, discloses a printer-incorporated electronic still camera (see figure 9) and the method for using the camera comprising an imaging device (see figure 9, element 12), a memory (see figure 9, element 84), a printing device (see figure 9, element 108 and column 6, lines 9-13), a display device (see figure 9, element 28), and a mode selection device (see figure 10 A and B, element 36) for switching over the electronic camera to one of a plurality of modes (see column 5,

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lines 63 to column 6, line 12), wherein the plurality of mode comprises a setup mode for setting up a plurality of setup items of the electronic camera (see column 6, lines 5-6), wherein the plurality of setup items are sorted into a plurality of groups, and the display device displays only one of the plurality of groups at a time in the setup mode (see figure 10 A and B and column 5, lines 55-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori, US 5,790,193, in view of Everett, Jr., US 4,600,319.**

Regarding claims 6 and 10, Ohmori, US 5,790,193, discloses a printer-incorporated electronic still camera and method for using the camera as claimed in claims 1 and 9, respectively. The Ohmori reference discloses changing the setup menu options depending on the available modes (see figure 10 A and B and column 5, lines 61-63 and column 6, lines 6-9) The Ohmori reference does not disclose comprising an acceleration sensor and a device for judging by signals from the acceleration sensor, wherein the device for judging controls the display device to display one group of setup

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items of the plurality of groups, depending on a stability of the still camera when the setup mode is selected.

Everett Jr., US 4,600,319, discloses a printer with a vibration and/or shock sensing means or acceleration sensor that temporarily interrupts the operation of the printer when the sensor detects a level beyond a predetermined value (see column 2, lines 6-10). The print data is temporarily stored in a buffer and the print head location is saved so that when the level falls back below the threshold, the printing can resume where it left off to insure reliable printing (see column 2, lines 10-24).

It would have been obvious to a person skilled in the art at the time of invention to have been motivated to modify Ohmori, US 5,790,193, in view of Everett Jr., US 4,600,319, to have a vibration/shock detector or acceleration sensor, wherein the device for judging controls the display device to display one group of setup items of the plurality of groups, depending on a stability of the still camera when the setup mode is selected in order to provide reliable printing operation while precluding the loss of data as taught by Everett, Jr. (see column 3, lines 62-67).

In regard to claim 11, Ohmori, US 5,790,193, in view of Everett Jr., US 4,600,319, discloses the method of claim 10. The Everett reference discloses the stability is motion stability (see column 2, lines 10-24).

6. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori, US 5,790,193, in view of Umeda et al., 5,920,342.

In regard to claims 7 and 13, Ohmori, US 5,790,193, discloses a printer-incorporated electronic still camera and method for using the camera as claimed

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in claims 1 and 9, respectively. The Ohmori reference discloses changing the setup menu options depending on the available modes (see figure 10 A and B and column 5, lines 61-63 and column 6, lines 6-9) The Ohmori reference does not disclose comprising a lens shielding device for shielding a lens of the imaging device from external light, and a detection device for detecting whether or not the lens is shielded by the lens shielding device, and a control device for controlling the display device to display one group of setup of a plurality of groups, depending on whether lens is shielded when the setup mode is selected.

Umeda et al., US 5,920,342, discloses a camera with a lens cap and lens cap detector that sends a warning to the display for the convenience of the user to decrease wrong use (see column 9, lines 46-54 and column 11, lines 9-16).

It would have been obvious to a person skilled in the art at the time of invention to modify Ohmori, US 5,790,193, in view of Umeda et al., US 5,920,342, to have a shielding device or lens cover and a detection device to detect when the lens cover is attached and send a warning message to the display as well as have a control device for controlling the display device to display one group of setup of a plurality of groups, depending on whether lens is shielded when the setup mode is selected, so that faulty pictures would not be taken, in order to provide a convenience to the user as taught by Umeda.

Allowable Subject Matter

7. Claims 2, 3, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 12, the Gowda, Ohmori and Umeda references do not disclose displaying a print menu or a photography menu in accordance to the stability of the camera.

Regarding claim 3, the Gowda, Ohmori, and Everett references do not disclose displaying a group of setup items relating to print mode or a group of setup items relating to photography mode in accordance with whether or not the lens is shielded when setup mode is selected.

Examiner's Reply

The applicants assert that the references cited in the rejections lacks the following:

- 1) a mode selection device as claimed in claim1;
- 2) a display device which displays the setup items of one group at a time in the setup mode as claimed in claim 1;
- 3) a detection device and control device as claimed in claim 4. The Examiner respectfully disagrees.

Re 1) The Gowda reference discloses a mode selection device (see figure 1, element 200 and column 6, lines 13-25). The selection of the (R) or (A) functions from the menu by the mode selection device switches the camera from photography mode to reproduction mode to display

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previously stored image on the display (see column 5, lines 55-63). The selection of the (P) function switches the camera from the reproduction mode to the print mode to print the displayed images (see column 5, lines 55-64). By displaying the menu with the camera options the can be selected by the selection device, the camera provides for a setup mode (see column 6, lines 13-19). It is noted that the applicants admit the pointing device 200 is used to select one of the above functions related to the manipulation on images within a particular mode and not to select a particular mode (see amendment : page 9, lines 6-8). It is also noted that the claim does not state the menu discloses a mode such as photography mode, a reproduction mode, a print mode, or a setup mode nor does is claim the selection device selects a particular mode and any arguments regarding this point are irrelevant. Therefore, the Gowda reference discloses a mode selection switch that switches between a photography mode, reproduction mode, print mode, and setup mode.

Re 2) The Gowda reference discloses that the camera provides for menu driven selection and at least two menu groups would be provided by the camera. The first group is a menu of camera functions (R, A, E, P, and #) that are buttons in the other embodiments are displayed on the display screen (column 6, lines 13-25). The second group is a menu of image processing functions that would be required to select the functions which may include adjustment of hue, brightness, contrast, and red-eye removal see column 6, lines 26-31). One or both of the display screens can display one of the selection menus. Therefore, the Gowda reference discloses a display device that displays the setup items of one group at a time in the setup mode.

Re 3) The Gowda reference discloses a power source (134) in the camera for powering camera operations (see column 6, lines 49 and 50). Therefore, the inherency of the camera remaining in

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photography mode if there is no cartridge is supported and the limitations of claims 4 are disclosed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



TUAN HO
PRIMARY EXAMINER